

Dec. 4, 2007 2:39PM KIRTON & MC CONKIE

RECEIVED
CENTRAL FAX CENTER

No. 0864 P. 1

DEC 04 2007

N. Kenneth Burraston

KIRTON &
MC CONKIE

TELEPHONE (801) 328-3600
FACSIMILE (801) 321-4893

A PROFESSIONAL CORPORATION
1800 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
P.O. BOX 45120
SALT LAKE CITY, UTAH 84145-0120

FACSIMILE TRANSMISSION SHEET

DATE: December 4, 2007 BILLING #: 12439.80

TO: Electronic Business Center

FAX #: (571) 273-8300

FROM: N. Kenneth Burraston

3 NUMBER OF PAGES INCLUDING COVER SHEET

COMMENTS: Transmitted herewith is a Terminal Disclaimer and Cover Page for:

App. No.: 10/034,528 Confirmation No.: 2563

Applicant: Eldridge et al. Filed: December 27, 2001

TC/A.U.: 2829 Examiner: Parcsh H. Patel

Docket No.: P6C3-US

**IF YOU DO NOT RECEIVE ALL OF THE PAGES,
PLEASE CALL OUR OFFICE AT (801) 328-3600 AS SOON AS POSSIBLE.**

This is a confidential communication and is not to be delivered or read by any person other than the addressee.

Facsimile transmission is not intended to waive the attorney-client privilege or any other privilege.

If this transmission is received by anyone other than the addressee, the recipient is requested to call Kirton & McConkie collect at (801) 328-3600, and to immediately return this document to Kirton & McConkie by United States mail.

Kirton & McConkie guarantees return postage.

Dec. 4, '2007 2:39PM KIRTON & MC CONKIE

RECEIVED
CENTRAL FAX CENTER

No. 0864 P. 2

DEC 04 2007

12439-0080

CERTIFICATE OF E-FILING/TRANSMISSION/MAILING

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4), facsimile transmitted to the USPTO at (571) 273-8300, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 4, 2007.

/Erin Cowles/
Erin Cowles

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/034,528 Confirmation No. 2563
Applicant : Eldridge et al.
Filed : December 27, 2001
TC/A.U. : 2829
Examiner : Paresh H. Patel

Docket No. : P6C3-US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF TERMINAL DISCLAIMER

To Whom It May Concern:

In response to a telephone request from the Examiner, Applicants resubmit the attached Terminal Disclaimer modified to include the signing attorney's registration number. Applicants believe that the fee for the terminal disclaimer has already been paid, but Applicants authorize the USPTO to charge any fee due, including a terminal disclaimer fee, to deposit account no. 50-0843.

Respectfully submitted,

Date: December 4, 2007

By N. Kenneth Burraston

N. Kenneth Burraston

Reg. No. 39,923

Kirton & McConkie
P.O. Box 45120
Salt Lake City, Utah 84145-0120
Telephone: (801) 426-2106
Fax: (801) 321-4893

Dec. 4, 2007 2:39PM KIRTON & MCCONKIE

RECEIVED
CENTRAL FAX CENTER

No. 0864 P. 3

DEC 04 2007

PTO/SB/26 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
P6C3-US

In re Application of: Eldridge et al

Application No.: 10/034,528

Filed: December 27, 2001

For: A tested semiconductor device produced by adjusting a planar orientation of probe elements of a probe card

The owner*, FormFactor, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,974,662. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1 For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 The undersigned is an attorney or agent of record

/N. Kenneth Burraston/

December 4, 2007

Signature

Date

N. Kenneth Burraston

Reg. No. 39,923

Typed or printed name

(801) 426-2106

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

***Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).**

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.